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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christoph Dobrusskin

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HYLINSKI, STEVEN J

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/014,191	Applicant(s) DOBRUSSKIN ET AL.	
	Examiner STEVEN J. HYLINSKI	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 12 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 12, 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 01/18/2008, with respect to the rejection(s) of claim(s) 4-7, 12, 16-21 under Yokoi have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,331,972 to Harris.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-6, 12, 19, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,331,972 to Harris et al. (Harris).

Examiner's Note: Harris discloses a peer-to-peer system that can be established between wireless-enabled nodes, such as PDA's, cell phones, and personal computers. By definition, each node of a peer-to-peer network can act as both a client and a server (host). A connection is established when two nodes come within close enough proximity to establish a connection. The devices then query each other to determine if they are compatible. If compatibility is established, software designed to control one of the nodes

is automatically downloaded to the other node, and loaded to allow the user a service field to control the other node. The nodes can include multimedia, audio, etc.

Re Claims 4 and 12,

Harris discloses a multimedia method for use with a screen-based host system (Col. 6 Lines 11-54, Harris discloses a peer-to-peer system, which by definition means that each node, which can be a PDA, cell phone, PC, etc, and hence-screen based, functions as both a client and server or host at the same time, without the need for a central server.) provided with information processing and I/O facilities (Fig. 2 shows exemplary hardware included in a peer device, which includes processor **40** and optional I/O devices **46**), and for interacting with an item, the method comprising: receiving identity information from the item at the host (Fig. 6, block **82** shows that the two peer to peer devices evaluate their needs vs. capabilities. Figs. 8 and 9 give examples of needs and capabilities that each device can have, which include information that identify the device.) in response to proximity conditions between the host and the item (Col. 6 Lines 31-35), presenting to a user an associated service field at the host in response to the identity information (Col. 12 Lines 62-67 and Col. 13 Lines 1-5, if the two devices are in range of each other and their capabilities and needs are compatible, a program is transferred from one device to the other and a user interface is automatically loaded to allow the user of one device to access the other device), and transmitting information from the host to the item, for storage at the item (Figs. 8-9 show examples of data items that one device needs to transfer from the other device. Each

device has memory **42** as shown in Fig. 2, which must at least temporarily store data received from the other device).

Re Claim 5,

Harris discloses enabling the user to activate information processing operations at the host related to the associated service field (Col. 13 Lines 1-8, the user at one peer device can control the other peer device using the user interface that has been loaded).

Re Claim 6,

Harris discloses a multimedia method for use with a screen-based host system (Col. 6 Lines 11-54, Harris discloses a peer-to-peer system, which by definition means that each node, which can be a PDA, cell phone, PC, etc, and hence-screen based, functions as both a client and server or host at the same time, without the need for a central server.) provided with information processing and I/O facilities (Fig. 2 shows exemplary hardware included in a peer device, which includes processor **40** and optional I/O devices **46**), and for interacting with an item, the method comprising: receiving identity information from the item at the host (Fig. 6, block **82** shows that the two peer to peer devices evaluate their needs vs. capabilities. Figs. 8 and 9 give examples of needs and capabilities that each device can have, which include information that identify the device.) in response to proximity conditions between the host and the item (Col. 6 Lines 31-35), selecting an application program based on the identity information, the application program including one of an information processing program and an entertainment program (Col. 12 Lines 62-67 and Col. 13 Lines 1-5, if

the two devices are in range of each other and their capabilities and needs are compatible, a program is transferred from one device to the other and a user interface is automatically loaded to allow the user of one device to access the other device, hence the program is an information processing program), executing the application program at the host system, and transmitting information from the application program to the item, for storage at the item (Figs. 8-9 show examples of data items that one device needs to transfer from the other device. Each device has memory **42** as shown in Fig. 2, which must at least temporarily store data received from the other device)

Re Claim 19,

Harris discloses that the peer devices compare the needs of one device with the capabilities of the other (Fig. 6, blocks **82** and **84**). Figs 8-9 show that the needs of one device can be audio and/or video capability from the other device.

Re Claim 20,

Figs. 8-9 show that one device can need personal information, such as the owner's name, security settings, or a financial transaction, from the other device.

Re Claim 21,

Harris discloses the information that is transmitted to the item including a state of the application program (Blocks **110** and **112** of Fig. 10 disclose uploading the application program to one of the peer devices, and then executing it once it has uploaded. The peer receiving the upload must inherently know whether the upload is completed and the program is ready to launch, which is a state of the application program.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 7 and 17-18 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Harris.**

Re Claims 7 and 17,

Harris discloses the same invention, substantially as claimed, but lacks explicitly disclosing that the application program is configured to produce an iconized representation of the item at the host system in response to the identity information. However, in Col. 12 Lines 62-67 and Col. 13 Lines 1-5, Harris discloses that one of the peer devices loads an application program from the other, and then presents the user's device with a user interface based on the program. Harris further discloses that the peer device that the user can be utilizing can be a PDA, cell phone, computer, etc (Fig. 3). It is notoriously well-known that user program interfaces on PDA's, cell phones, and computers can be represented by icons. At the time the invention was made, one of ordinary skill in the art would immediately recognize that an icon could be implemented on a PDA, cell phone, or personal computer, in order to provide a convenient and familiar way for the user to access the user interface program disclosed by Harris.

Re Claim 18,

Harris discloses that the peer devices compare the needs of one device with the capabilities of the other (Fig. 6, blocks **82** and **84**). Figs 8-9 show that the needs of one device can be audio and/or video capability from the other device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is included in the attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/

/Steven J Hylinski/

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Primary Examiner, Art Unit 3714

Examiner, Art Unit 3714